

Town of Littleton, Massachusetts
Non-Retail Marijuana Establishment Review Process

Background and Process

The Commonwealth of Massachusetts has recently authorized the legal cultivation, processing and sale of adult-use marijuana. A statewide regulatory and permitting program has been adopted, and adult-use marijuana establishments are already operating within the Commonwealth. Marijuana establishments are classified as follows: Marijuana Retailer, Craft Marijuana Cooperative, Cultivator, Micro-Business, Product Manufacturer, Research Facility, Testing Laboratory, and Transporter.

Pursuant to the Massachusetts statute that governs adult-use marijuana M.G.L. c.94G the Town of Littleton (“Town”) adopted a Zoning Bylaw 173-194 through 172-202 that regulates the newly authorized marijuana uses at its May 7, 2018 Annual Town Meeting. At the May 7, 2018, Annual Town Meeting, the Town adopted a Zoning Bylaw that regulates the newly authorized marijuana uses.

The state statute further provides that any Marijuana Establishment seeking to operate within the Town must execute a Host Community Agreement with the Board of Selectmen. M.G.L. c.94G, §3(d). Pursuant to Section 173-198.C.a of the Zoning Bylaw, this Host Community Agreement must be completed before a prospective Marijuana Establishment applies for a special permit from the Planning Board. Therefore, execution of an agreement with the Board of Selectmen is the first local regulatory step toward establishment of a Non-Retail Marijuana Establishment in the Town of Littleton.

To the extent that the Board of Selectmen will be called upon to negotiate Host Community Agreements with prospective Non-Retail Marijuana Establishments, the Board wishes to proactively identify the field of interested parties, and to narrow that field to only the most qualified and responsible applicants. The Board of Selectmen further wishes to ensure that the sites most suited for this new use are allowed to move forward with permitting. Finally, the Board of Selectmen specifically wishes to avoid a scenario where superior applicants and/or locations within Town are prevented from siting in Town by the earlier arrival of less qualified retailers and/or less attractive locations. Accordingly, in order to provide for the most orderly and beneficial review of all applicants and sites contemporaneously, the Board of Selectmen hereby announces the following process for its interaction with prospective Non-Retail Marijuana Establishments seeking to locate in the Town of Littleton:

1. Applicants review Town of Littleton Request for Interest (RFI).
2. Applicants complete RFI and submit it back to the Town. Completed RFIs will be accepted for submission as of April 26, 2019.
3. Completed RFIs are reviewed by the Task Force or Board of Selectmen, as the Board of Selectmen may determine in its discretion. The Board of Selectmen may review and respond to completed RFIs on a rolling basis as they are received. Selected Applicants will be invited for an interview with the Task Force or the Board of Selectmen.

4. Finalists from the interview process will be invited to proceed and meet with the Board of Selectmen.
5. Board of Selectmen may meet applicants and vote to begin Host Community Agreement (HCA) negotiations with up to two finalists within fourteen days (14) from the date of the last interview (if schedule permits).
6. HCA negotiations will be conducted during a meeting with the Board of Selectmen, or with its authorized representatives or delegates.
7. If HCA negotiation is successful between the Town and the Applicant and an HCA is executed, the Town will provide a Host Community Agreement Certification Form to the Applicant from the Town (which is needed to apply to the Cannabis Control Commission). This letter will be provided within fourteen (14) days from date of agreement.
8. Provided that the Applicant has held its Community Outreach Meeting, the Applicant may then apply for a license from the CCC and the special permit from the Planning Board.

The Board of Selectmen invites interested Non-Retail Marijuana Establishments to submit their qualifications and detailed proposals for siting and operation within the Town of Littleton. This is not a binding Request for Proposals (“RFP”), but an invitation for interested parties to submit a Non-Retail Marijuana Establishment plan to the Town. The Town recommends that all applicants refer to 935 CMR 500.105: GENERAL OPERATIONAL REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS; 935 CMR 500.110: SECURITY REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS; and 935 CMR 500.140: ADDITIONAL OPERATIONAL REQUIREMENTS FOR RETAIL SALE.

The Town will use the RFI submittals to gauge interest in potential applicants for the operation of Non-Retail Marijuana Establishments. Following analysis of the RFI submittals, the Town reserves the right to engage in negotiations with one or more respondents to this RFI. All submitted responses must involve a specific site within Town, and must include, at a minimum, the following information:

- a. Documentation of business registration, Articles of Incorporation and Certificate of Good Standing from the Commonwealth of Massachusetts Office of the Secretary of State.
- b. Cover letter 1-2 pages in length summarizing the proposal and the benefits of having the Applicant operate in the Town of Littleton at the identified location. Include key contact(s) name, phone, email and address for Applicant(s). Economic Empowerment Applicants are encouraged to self-identify.
- c. Resumes for every manager, director or officer of the Applicant as well as individuals contributing all capital to the operation. ^[L]_{SEP}
- d. Statement of the Applicant’s Qualifications to operate the proposed use, including prior experience in operating a Non-Retail Marijuana Establishments if any.
- e. Completed Criminal Offender Record Information (CORI). Acknowledgement Forms for every manager, director, officer or investor of the Applicant accompanied by a payment of \$50 per form, payable to the Commonwealth of Massachusetts in money order, or bank issued Cashier or Treasurer’s check.
- f. Location of the proposed site and evidence of site control.
- g. Applicant’s Business Plan including proposed timeline and development plan.

- h. Financial records or letter of financing demonstrating capitalization or investment sufficient to ensure the Applicant's solvency and successful operation over the long term. Financials should account for a 3% local impact fee for at least the first five years of operation.
- i. Plan for maintaining marijuana product supply for operations, if applicable.
- j. Floor plans, showing both the overall square footage of the proposed Non-Retail Marijuana Establishment, and the estimated area to be devoted to the various aspects of that use (i.e. sales floor, storage, etc.)
- k. Management and site plan, including days and hours of operation.
- l. Applicant's Security Plan as approved by Chief Security Officer. The Plan should address the safety of all individuals engaging at the site, the site, and the currency and product, as well as coordination with Town Police Department. Identify your Security Consultant. (*plan will not be publicly available*)
- m. Description of proposed capital improvements, structural changes and modifications, and signage that the Applicant proposes at the site.
- n. Conceptual Site Plan and evidence that site meets Town zoning requirements for proposed establishment.
- o. Parking plan. All applicants must submit a parking plan that meets the parking and loading requirements found in the Town of Littleton Zoning By-laws Article VII § 173-32.
- p. Traffic plan prepared by a licensed or certified traffic engineering firm or consultant that addresses, among other things, accessibility from highways and major thoroughfares, anticipated traffic impacts and a plan for mitigating those traffic impacts. Notwithstanding the foregoing, an applicant may elect to submit a response without a traffic plan, subject to the risk that those reviewing the response may subsequently determine that this information would have been important to their evaluation of the proposal.
- q. Plans for external nuisance mitigation (light, noise, emissions, odor, debris, solid waste disposal)
- r. Plan to create positive community impacts in the Town.

Application Review

The Board intends to review responses based in part on the following criteria including compliance with 935 CMR 500.105: GENERAL OPERATIONAL REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS; 935 CMR 500.110: SECURITY REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS; and 935 CMR 500.140: ADDITIONAL OPERATIONAL REQUIREMENTS FOR RETAIL SALE.

1. Demonstrated direct experience in the cannabis industry or a similar industry;
2. Evidence managers, directors, officers, investors, and others related to the establishment are free of any disqualifying criminal convictions;
3. Compatibility of the proposed location and use with adjacent neighborhood(s) and use(s);
4. Minimal traffic, parking, or other adverse impacts on the Town and appropriate mitigation for any impacts that may be found to exist;
5. Security plan that meets or exceeds State standards; and

6. Business plan, financial records, and other documentation demonstrating strong capitalization and likelihood of successful operation over the long term.

Each responder should address why its proposal should be selected over others.

Preference may be given to local applicants.¹ All those interested in establishing a Non-Retail Marijuana Establishment within the Town of Littleton should submit ten (10) copies of their detailed written proposals to the Selectmen/Town Administrator's office, 37 Shattuck Street, Littleton, MA 01460.

Other Municipal Requirements

To obtain a Host Community Agreement:

RFI submission – RFI acceptance – Host Community Agreement negotiation – Signed Host Community Agreement.

To obtain a Special Permit from the Planning Board:

Signed Host Community Agreement – Properly Zoned Marijuana Establishment Location – Application to the Planning Board – Planning Board Approval of Special Permit.

Multiple Steps in Final Approval Process

¹ Local preference is defined as applicants from Littleton or surrounding areas.

